

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL No. 2427 of 2005

07-12-2005

Between:

C.S.Moorthy

..... APPELLANT

AND

The District Collector, Ranga Reddy District & Another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT APPEAL No. 2427 of 2005

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties.

The grievance of the appellant is that although he was the owner of the property in question, he was not even given a notice and an order was passed for his eviction in terms of Andhra Pradesh Assigned Lands (Prohibition on Transfer) Act, 1977 (hereinafter referred to as 'the Act').

The learned Single Judge was of the opinion that since an appeal was provided under the Act, therefore, the writ petitioner cannot approach the appellate Court. The learned Single Judge granted ten days time to the petitioner to prefer appeal.

The grievance of the appellant is that the possession of the land in question was taken by the respondents and they have locked the door and therefore, the plantations would suffer as nobody would be able to even irrigate them. He also submits that the possession was taken from him after the order was passed by the learned Single Judge, although the learned Single Judge had directed to maintain status quo. But it is worthwhile to note that even before the learned Single Judge, the State took the plea that the possession had been taken on 10.11.2005.

We are not going into the question as to when the possession was taken. However, in the interest of justice, we direct that respondents shall not change the nature of the property or assign the land to a third party, pending appeal. We grant further ten days time for the appellant to file appeal. The appellant is at liberty to approach any authority for seeking any relief, interim or otherwise, if permitted in law.

Appeal is accordingly disposed of. No order as to costs.

(BILAL NAZKI, J)

7th December 2005

(S.ANANDA REDDY, J)

N.B:

C.C. in two days.

(B/o)

ajr